

MINUTE ITEM

7. (SALE OF VACANT STATE SCHOOL LAND, APPLICATION 11098, LOS ANGELES LAND DISTRICT, IMPERIAL COUNTY, CLAYTON A. DILLS - S.W.O. 6624.)

Following presentation of Calendar Item 6 attached, Mr. Philip A. Douglas, Special Consultant for the Wildlife Conservation Board of the Department of Fish and Game, appeared before the Commission and urged that it make the lands in question available to the Department of Fish and Game, pointing out that because of the channelization of the Colorado River which was destroying the natural areas heretofore used by waterfowl, this parcel of land is essential to the plans of the Wildlife Conservation Board for a waterfowl refuge.

Lieutenant Governor Powers questioned the advisability of withholding the sale to a private individual and thereby precluding getting the land on the public tax rolls unless such action was absolutely necessary to the State's interest. He also asked why the application of the Department of Fish and Game had been filed at such a late date, and whether the proposed acquisition had been included in a "master plan", whereupon Mr. Douglas presented for review a report made in August of 1954, as a "master plan", which contemplated acquisition of the subject area.

The Acting Executive Officer reported that telegrams had been received from the Palo Verde Improvement Association, from the Bard Winterhaven Rod and Gun Club, and from the Verde Rod and Gun Club, urging that sale of the land in question be made to the State Department of Fish and Game, rather than to a private individual.

Mr. Clayton A. Dills presented his reasons for opposition to the application of the Department of Fish and Game, a copy of his presentation being attached hereto as Exhibit "A".

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REFER BACK TO THE CALIFORNIA WILDLIFE CONSERVATION BOARD, FOR FURTHER STUDY, THE PROPOSED ACQUISITION UNDER APPLICATION 11161, S.W.O. 6704, OF THE DEPARTMENT OF FISH AND GAME, OF LOTS 2, 3, 4 AND 5, $W\frac{1}{2}$, $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ AND $W\frac{1}{2}$ OF $NE\frac{1}{4}$ OF SECTION 36, T. 12 S., R. 21 E., S.B.M., CONTAINING 485.79 ACRES IN IMPERIAL COUNTY, WITH ACTION ON THE APPLICATION OF MR. CLAYTON A. DILLS, NO. 11098, S.W.O. 6624, TO BE DEFERRED UNTIL A DEFINITE CONCLUSION IS REACHED ON THE APPLICATION OF THE DEPARTMENT OF FISH AND GAME, NOT LATER THAN JUNE 30, 1958. ANY RIGHTS ACQUIRED BY MR. DILLS THROUGH THE FILING OF THE APPLICATION ARE TO BE RETAINED BY HIM DURING THE PERIOD OF THE DEFERMENT.

Attachments

Calendar Item 6 (2 pages)

Exhibit "A" (presentation by Mr. Dills - 3 pages)

*Amended by Minute
action 5/13/58, pg 4020*

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Calendar Item 6 (2 pages)

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* Corrected by Minute Item 9 of May 13, 1958.

CALENDAR ITEM

SALE OF VACANT SCHOOL LAND

6.

(SALE OF VACANT STATE SCHOOL LAND, APPLICATION 11098, LOS ANGELES LAND DISTRICT, IMPERIAL COUNTY, CLAYTON A. DILLS - S.W.O. 6624.)

The following Calendar Item was submitted to the Commission for consideration at its meeting of September 13, 1957; however, at the request of Mr. Clayton Dills, consideration of the item was deferred until the next regular meeting of the Commission. At the aforesaid meeting the Commission requested that the Department of Fish and Game be notified to appear in order that the Department's views may be obtained with respect to the necessity of acquisition. Accordingly, all parties of interest have been notified.

An offer was received from Mr. Clayton A. Dills of Gardena, California, on April 2, 1957, to purchase Lots 2, 3, 4 and 5, $W\frac{1}{2}$, $SE\frac{1}{4}$ of $NE\frac{1}{4}$ and $W\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 36, T. 12 S., R. 21 E., S.B.M., containing 485.79 acres in Imperial County. The applicant submitted the required minimum offer of \$2.00 per acre.

On July 1, 1957, an application (11161, Los Angeles Land District, S.W.O. 6704) was filed by the State of California, Department of Fish and Game, wherein the required minimum offer of \$2.00 per acre was made.

Subsequently, on July 12, 1957, a letter was received from the Department of Fish and Game, requesting withdrawal of the aforesaid land from public sale for sale to the Department. The reason given for the requested withdrawal is that the land borders on the Colorado River and embraces the mouth of Julian Wash. This land is reported to be (1) valuable in conjunction with the public lands for which the Department has already made requests for administrative jurisdiction; (2) strategically located and extremely valuable in the Department's plans for development and access to the Colorado River. Accordingly, the Department feels that it should be retained in State ownership.

All of the land is embraced within a first form reclamation withdrawal by the United States under Executive Order 8685, dated February 14, 1941. Such withdrawal allows the State to select other vacant unappropriated Federal lands in lieu thereof under the indemnity selection procedure and the land had been set aside for that purpose for many years. The State is not prohibited from selling the land. Under the increasing demand for desert lands within the past few years, the land has been made available for public purchase.

Section 6210.2 of the Public Resources Code states that "The Commission may withdraw from sale any of the public lands belonging to the State and may restore any or all public lands so withdrawn, or other public lands, for sale."

IT IS RECOMMENDED THAT APPLICATION 11098, S.W.O. 6624, OF CLAYTON A. DILLS, FOR THE PURCHASE OF LOTS 2, 3, 4 AND 5, $W\frac{1}{2}$, $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ AND $W\frac{1}{2}$ OF $NE\frac{1}{4}$ OF SECTION 36, T. 12 S., R. 21 E., S.B.M., CONTAINING 485.79 ACRES IN IMPERIAL

SALE OF VACANT SCHOOL LAND 6. (CONTD.)

COUNTY, BE REJECTED AND ALL DEPOSITS REFUNDED EXCEPT THE \$5.00 FILING FEE, AND THAT SAID LAND BE WITHDRAWN FROM PUBLIC SALE UNTIL JUNE 30, 1958 FOR SALE TO THE STATE DEPARTMENT OF FISH AND GAME UNDER APPLICATION 11161, S.W.O. 6704, AT THE APPRAISED MARKET VALUE WITHOUT COMPETITIVE BIDDING, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS.

EXHIBIT "A"

State Lands Commission
State Building
Los Angeles, California

Gentlemen:

I herewith request permission to present to and file with your Honorable Commission the following factual data and persuasive argument in favor of my application to purchase certain State lands and the subsequent request for its withdrawal from public sale by the Department of Fish and Game, State of California.

Let us consider separately the reasons given in opposition to my application to purchase:

1. That the land borders the Colorado River and embraces the mouth of the Julian Wash.

An examination of the Department of Interior Maps of the Quartz Peak and Picacho Quadrangles will disclose that the Julian Wash runs westerly with three tributaries. The main wash rises from the river bench or 250-foot contour line and each tributary rises to altitudes in excess of 1600 feet within a distance of six miles. A series of rock falls and steep cascades make it impossible for a jeep or other high-wheel vehicle to ascend the grade. Thus, there is no ingress or egress from the wash and the cost of developing a serviceable road would be prohibitive and impractical.

The topography of the Julian Wash area, therefore, precludes the building of an access road to the Colorado River and negates the first objection to the sale of this land.

2. The second objection is more indirect and nebulous. Accordingly, it is reported to be valuable in conjunction with public lands for which the Department of Fish and Game has already made request for administrative jurisdiction.

First, isn't it proper to inquire who reports the land valuable? Why does not the Department disclose its informant. Why the secrecy?

Second, what lands have already been requested by the Department? Where are they located with reference to the land in my application? When and where was such a request filed?

Is it a policy of the Department of Fish and Game to file a request for administrative jurisdiction of public lands and then, after such a request, file an objection to the sale of other land based upon the unprocessed and unperfected first request?

3. It is further stated that the land in my application is strategically located and extremely valuable in the Department's plans for development and access to the Colorado River.

When did the land become extremely valuable? If it be valuable, why has the Department not asserted such a claim before my application was filed? Since April 21, 1954 and again on October 30, 1955 in the Federal Registry the Department was on notice of the revocation withdrawal of the land. How can they, after such dilatory tactics, now assert in good faith the strategic and valuable nature of this small parcel of land?

There are additional facts which should be presented to this Honorable Commission to clarify the situation in Imperial County.

On Feb. 14, 1941 by Executive Order No. 8685 the Imperial National Wildlife Refuge was established. The area consists of approximately 51,090 acres situated in Imperial County, California and Yuma County, Arizona.

Notices of public hearings in eight separate counties of California, excluding Imperial County, however, have been published at which public approval will be sought by the United States Fish and Wildlife Service of their request of the Bureau of Land Management, United States Government to withdraw 315,000 acres of public land from all forms of appropriation and sale.

These reports indicate that the action is being taken at the request of the Department of Fish and Game, State of California. If such be the case, then why was not Imperial County included among the areas affected. Does this mean that Imperial County is not important, valuable, or strategic as the Department is now asserting with reference to my application? Or does it mean that fish and game are already properly conserved and protected by the Imperial National Wildlife Refuge?

Another factor for your consideration is the proposed plan of the Department of Interior to convert the Colorado River from Davis Dam to the Mexican Border, a distance of 250 miles, into the "Lower Colorado Interstate Recreation Area" under the National Park Service. This project has already received the approval of W. A. Dextimer, Commissioner of the Bureau of Reclamation and Conrad L. Wirth, Director of the National Park Service.

Under the plan, the Colorado River from its center line to a distance of three hundred feet on both sides are to be included in the recreation area. Thus, the matter of ingress and egress will be provided for by the National Park Service.

Diligent search of the United States Land Office and the Assessor's Office of Imperial County has not disclosed that the Department of Fish and Game, State of California is the recorded owner of any real property in Imperial County in this area.

What plans does the Department have in the County and how, then, does the acreage in my application become valuable or strategic to the Department of Fish and Game?

You as members of the State Lands Commission were not informed by the Department of Fish and Game that the land in my application was in the confines

of the National Wildlife Refuge. Neither did they inform you of the proposed creation of the lower Colorado interstate recreation area with its adequate provision for ingress and egress.

I thank you for your consideration of the data which I have presented. In view of the answers I have given to the objections to the sale of the land, I respectfully urge your Honorable Commission to authorize your staff to proceed with processing my application now on file.

Respectfully submitted,

CLAYTON A. DILLS